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Note by the Secretariat

Addendum

Finland

1. The indigenous people in Finland are the Sámi. Since 1992 the Sámi have had the right to use the Sámi language before public authorities. This right has been enshrined in the Constitution since 1995. At the beginning of 2004 the linguistic rights of the Sámi were strengthened by the entry into force by a new Sámi Language Act. This Act applies to all courts and other public authorities operating within the Sámi homeland, in the municipalities of Enontekiö, Inari and Utsjoki in the northern part of Finland, and in the reindeer owners' association of Lapland situated within the municipality of Sodankylä.

2. The Act guarantees the use of all the Sámi languages spoken in Finland: Inari Sámi, Skolt Sámi and Northern Sámi. The Act lays down a duty for the authorities, on their own initiative, to see to it that the linguistic rights of the Sámi are enforced. The Government's report on the application of the language legislation, which is given to the Parliament for each of its terms on the basis of the Language Act, must also clarify the implementation of the provisions concerning the use of the Sámi language before the authorities.

3. The Sámi have since the reform of the basic rights in 1995 had the constitutionally secured right to maintain and develop their own language and culture. Culture should here be understood broadly. It covers also the traditional economic activities of the Sámi, such as reindeer husbandry. Since 1995 the Sámi have also had the constitutionally guaranteed right to cultural autonomy. For the tasks belonging to cultural autonomy the Sámi choose every fourth year from among

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themselves a 21-member Sámi Parliament to be their representative body. The Sámi Parliament continues the work of the Sámi Delegation, elections of which have been held in Finland every four years since 1973. In matters pertaining to its tasks, the Sámi Parliament may make initiatives and proposals to the authorities as well as issue statements and use decisive powers prescribed by the Act. The authorities must negotiate with the Sámi Parliament in all far-reaching and important measures that may directly and in a specific way affect the status of the Sámi as an indigenous people and that concern certain matters specified in the Act as being central to the Sámi in the Sámi homeland.

Non-discrimination

4. According to the Constitution of Finland everyone is equal before the law. The Constitution also contains a prohibition for discrimination, and origin and language are, among others, specifically mentioned as prohibited grounds for discrimination. The objective of the new Equality Act, which entered into force at the beginning of 2004, is to promote and guarantee equality in different sectors of society and to strengthen the legal protection of persons subject to discrimination. The Equality Act prohibits direct and indirect discrimination based on age, ethnic and national origin, nationality, language, religion, conviction, opinion, health, disability and sexual orientation. Thus, the Act also covers the members of indigenous peoples.

5. The Equality Act is applied to recruitment, working conditions, terms of employment, career advancement, education and training as well as entrepreneurial pre-requisites and the support of business activity. Membership and activities in employee or employer organizations belong to its scope of application. The Act also prohibits the placing of a person in an unequal position in social and health services on the basis of origin, social security benefits or other kind of support and benefits granted on social grounds.

6. The occupational safety authorities supervise the observation of the Equality Act in employment relationships. In other areas, the supervision of discrimination based on ethnic origin is the duty of the Ombudsman for Minorities and of the Discrimination Board, which will be established soon to monitor compliance with the Equality Act. According to this Act, all authorities shall in all their activities promote equality purposefully and systematically.

7. A special authority called Ombudsman for Minorities was established in 2001 to promote good ethnic relations and to monitor the principle of ethnic non-discrimination and improve the status and rights of ethnic minorities. The duties of the Ombudsman are extensive. In addition to instructions, counsel and recommendations, the Ombudsman can request measures in order to bring about conciliation between the parties concerned. The aim is for the parties to reach an agreement, reasonable for both sides, on the indemnity of damages caused to the person subject to discrimination.

8. The Ombudsman for Minorities will be able to bring matters before the Discrimination Board. The Discrimination Board as a new legal body will increase the factual access to legal safety.

9. The Penal Code penalizes discrimination not only in trade, public service, public office and other public positions, the organizing of public meetings and other

public occasions, but also in work life. As prohibited grounds for discrimination the Penal Code lays down, among others, race, national and ethnic origin, colour and language.

10. In addition to the courts, the Parliamentary Ombudsman and the Chancellor of Justice of the Government can also intervene in cases of discrimination taking place in public office.

11. In Finland the Sámi are not just the only indigenous people in the country, they also enjoy the rights of a national, ethnic and linguistic minority. Therefore, they are entitled to the protection against discrimination offered by the Framework Convention for the Protection of National Minorities of the Council of Europe.

12. The rights of indigenous peoples and minorities belong to the priority areas of Finland's human rights policy. Finland has regularly reported to the monitoring bodies of the human rights treaties on the situation of the Sámi. The recommendations of the treaty bodies are an important ground for the measures to be taken to implement the equality of the Sámi also in practice.

Land ownership

13. The Finnish Constitution ensures the land ownership of the Sámi people, including land use and other rights, both in the Sámi homeland and elsewhere in Finland in the same way as the property of the other Finnish citizens, companies and corporations is protected. Upon their own application reindeer and other farms have been set up for the Sámi on the same basis as in cases of other Finnish citizens. State funding in support of farm building and reindeer herding in general has been granted as subsidies, low-interest loans and debt adjustment arrangements.

14. In Finland the Skolt Sámi have been given special attention since the late 1940s. The Skolt Sámi are an indigenous population of the Kola Peninsula who lost their native lands in Petsamo as a result of the Second World War. For the most part the Skolt Sámi settled permanently in their new homelands in 1949. In 1955 an Act on Skolt Sámi Settlement was passed defining, for instance, the rights of the Skolt Sámi to land and waters in their new home regions and giving them new houses at no cost to them. The Skolt Sámi have retained their own traditional village administration, which includes the election of a village representative, or Elder, for all Skolt Sámi for a term of three years. According to the most recent Skolt Act, of 1995, the Elder receives remuneration of 1,500 euros per month from the State. The office of the Village Elder is also partly funded by the State. Based on the Skolt Act, the Skolts may be entitled to higher investment aids for reindeer herding and housing.

15. Metsähallitus (the Forest and Park Service) is a State enterprise operating under the Ministry of Agriculture and Forestry. Metsähallitus administrates the State's land and water areas. Decree No. 1525 on Metsähallitus (1993) contains a specific provision concerning the protection of the Sámi culture. Section 11 of the Decree states that in the Sámi homeland area the natural resources administered by Metsähallitus shall be kept, used and protected in a way that guarantees the Sámi people's traditional livelihoods and culture. The Metsähallitus Act will be amended in the near future, and the rights of the Sámi people will also be safeguarded in the new legislation.

16. The rights of the Sámi have also been taken into account in the Forest Act No. 1093 (1996). According to its section 12 the Government may designate areas as protection forest areas where preservation of the forest is necessary to prevent the retreat of the timberland. In protected forest areas, the forest is managed and utilized with special care and in such a way that the measures do not result in retreat of the timberland. The Government may issue necessary general regulations about forest management and use in protected forest areas. Before a government decision concerning a protected forest area is taken, the forest owners, relevant municipalities and other authorities are to be heard. In addition, negotiations are held with the Sámi Parliament as specified in the Sámi Parliament Act.

Labour administration

17. The labour administration aims to promote the availability of employment services in the Sámi regions for those using the Sámi language by appointing persons speaking the Sámi language in the regional administration, by their recruitment policy and by supporting the officials' independent study of the Sámi language. The most important forms and guides related to customer service are produced in the Sámi language. The arrangement of Sámi services is complicated, however, by the small number of customers speaking Sámi, the lack of translators and the fact that three different Sámi languages are used in Finland, which deviate significantly from each other. The procuring of high-quality Sámi translations is further affected by the fact that the Sámi languages are spoken languages, which for long had no written language.

Social and health services

18. In 1997 the Ministry of Social Affairs and Health and the State Provincial Office of Lapland carried out a project in order to survey the availability of and the need for social and health services in the Sámi language. The project produced a final report, conclusions and proposals for development. The implementation of many of the development proposals has already advanced to some extent.

19. There has been a separate appropriation in the State budget since 2002 for securing the availability of social and health services in the Sámi language. The amount of the appropriation has been on the increase: 200,000 euros in 2002, 300,000 euros in 2003 and 600,000 euros in 2004.

20. The appropriation can be used for payment of a government grant through the Sámi Parliament in Finland to the municipalities located in the homeland of the Sámi people. The government grant is used to meet the costs of social and health services provided in all Sámi languages. The State Provincial Office of Lapland is the State authority responsible for the administration of the government grant.

21. The Sámi Parliament prepares annually a budget allocation scheme for the use of the appropriation. The areas of priority in 2004 are early childhood education and care and elderly care. The appropriation is divided between the municipalities in the area as follows: Utsjoki 217,500 euros, Enontekiö 98,000 euros, Inari 264,000 euros and Sodankylä 20,000 euros.

Youth

22. The Government of Finland supports financially, when needed, the participation of members of the Sámi people in international events. Representatives of the Sámi Parliament and of Sámi youth participated at the second session of the Forum with the support of the Finnish Government.

23. The Ministry of Education has regularly granted annual subsidies and project funding for the operations and projects of Sámi youth organization (Suoma Sámi Nuorat). The aim is to support young indigenous people's voluntary civic activities in Lapland. In addition, the Ministry has allocated separate grants to the Sámi Parliament to be used for arranging young Sámi culture events. The events enable young Sámi people to cherish and develop their own culture.

Culture

24. The State budget includes a separate appropriation in the Ministry of Education for supporting Sámi-language culture and organizational activities. These resources are allocated to the Sámi Parliament in keeping with the principle of the cultural self-government of the Sámi. The appropriation is used to allot grants and subsidies on application for different sectors of Sámi art and culture and to Sámi organizations. In 2004 the appropriation was 168,000 euros.

25. The cultural appropriation constitutes a significant support for the Sámi community. Sámi organizations play an important role as a channel for social participation, for the development and revival of the Sámi language and for the preservation and transfer of Sámi traditions to new generations. In addition, the money can be used for special annual cultural awards.

26. Apart from the appropriation for Sámi culture, the Ministry of Education has supported co-Nordic Sámi organizations and the Finnish section of the Sámi Council and its national member associations through the Sámi Parliament. The Sámi Council is a joint consultative body of Finnish, Swedish, Norwegian and Russian Sámi organizations.

27. There is a Sámi museum Siida in Inari, which collects the cultural heritage of all the Sámi groups: the Skolt, Inari and Northern Sámi. The museum preserves and records both material and immaterial Sámi culture.

28. The University of Helsinki is carrying out a Sámi culture encyclopaedia project; the electronic encyclopaedia database will be ready during the spring of 2004. The project has systematically compiled information about Sámi culture, languages, history, rights, mythology, folklore, music, economy, nature, art, etc. The aim is to publish the encyclopaedia in a book form in the course of 2004. The project is co-funded by the European Union, the Finnish Ministry of Education and the Finnish Cultural Foundation.

Education

29. As from the beginning of 1999 the municipalities and other education providers in the Sámi home area receive a separate State subsidy for Sámi language education and the teaching of the Sámi language.

30. The new national basic education core curriculum was adopted on 16 January 2004. Local curricula based on it can be used from August 2004 onwards and must be implemented in all classes by 1 August 2006. The new core curriculum provides separately for the education of linguistic and cultural minority groups and the Sámi people. The values underlying basic education in Finland are human rights, equality, democracy, the preservation of ecological diversity and the vitality of the environment, and plurality. Education must accommodate national and local characteristics and the national languages, the two folk churches, the Sámi as an indigenous people and national minorities.

31. According to the core curriculum, education must take account of the fact that the Sámi are an indigenous people with a language and culture of their own. For some pupils (Skolt, Inari or Northern Sámi) Sámi is taught as the mother tongue and used as the language of instruction, for others it is taught as a foreign language. Education must support the pupils' indigenous identity and enable them to learn their own language and gain a proficiency in it. Basic education must promote knowledge of the pupils' own culture, history and Nordic Sámi cooperation, as well as awareness of the Sámi as a nation and as one of the world's indigenous peoples. Teaching must help pupils identify with their national cultural heritage and promote solidarity with Sámi people living in other countries.

32. In the upper secondary school, Sámi can be used as a language of instruction, but this is not obligatory for the education provider. It is not possible to take the whole matriculation examination using the Sámi language. Sámi language vocational education and training is given at the Sámi education and training centre. In the University of Oulu it is possible to study the Sámi language and culture as a major subject and in the University of Helsinki and the University of Lapland as a minor subject.

33. The National Board of Education finance a virtual Sámi project in the Sámi homeland municipalities in 2003 and 2004. Its aim is to develop and promote the virtual teaching of the Sámi language and encourage the learning of the Sámi language outside the Sámi homeland.

34. In the 2004 State budget, the Ministry of Education includes a net appropriation of 18.4 million euros for the operations and activities of the National Board of Education. This appropriation is also used for the development of teaching materials and the production of Swedish-language and other small-circulation learning material. The Sámi Parliament is granted 258,000 euros of this appropriation for the production of Sámi language learning materials.

35. An education and learning material board set up by the Sámi Parliament is responsible for the planning, production and distribution of Sámi learning materials, for Nordic cooperation in material production and for the use of the learning material appropriation. The practical implementation has been assigned to a learning materials secretary hired for the purpose. The resources have been used to produce textbooks, supplementary materials and audio-visual materials. The largest material groups are Sámi as mother tongue and Sámi language adaptations of Finnish textbooks. Most of the appropriation has been used to produce Northern Sámi materials, but Inari and Skolt Sámi materials are also produced.

36. The funds allocated to learning material production amounted to 1.4 million markkaa (Fmk) in 2000, 1.5 million Fmk in 2001, 253,000 euros in 2002, 253,000 euros in 2003 and 258,000 euros in 2004.

37. The Finnish Education for All National Action Plan (March 2003) also provides for the Sámi a minority's right to education in their own language. The Action Plan is based on the six goals adopted by the World Education Forum in 2000, which are implemented at the national level. According to the Goals, States must take special account of the education of ethnic minorities. The Education for All process is the foremost tool for implementing the Millennium Development Goals relating to education. This means that education must be assigned a cross-sectoral role in the implementation of the Goals. The Education for All process includes flagship programmes for education and awareness-raising concerning HIV/AIDS and health education. The Education for All process is coordinated at the international level by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

38. Sámi speaking class teachers are trained in the Universities of Oulu and Lapland. The situation concerning Northern Sámi teachers is good; all the teachers are qualified class teachers.

39. The education of Sámi speaking subject teachers was initiated according to the proposals of a Ministry of Education committee (1999) with graduate-entry training during 1999. Most of the students were qualified Sámi speaking classroom teachers, who supplemented their qualifications with studies in the subjects they will teach. This training has been mostly distance training. The training of Inari and Skolt Sámi teachers will require separate measures.

40. Sámi language and culture can be studied as a major subject in the University of Oulu and as a minor subject in the Universities of Helsinki and Lapland. There are also Sámi courses available for those studying to be teachers or civil servants.

Recommendations concerning the United Nations Educational, Scientific and Cultural Organization

41. At the UNESCO General Conference, Finland endorsed UNESCO action on behalf of indigenous peoples. The Finnish National Commission for UNESCO has a member versed in the rights of indigenous peoples. The Commission has been active in Nordic UNESCO cooperation, stressing the need to take account of the indigenous peoples in the education, culture, science and communications sectors. Finland has made a contribution to the organization of the indigenous people's conference on knowledge in the next generation to be held at Tromso, Norway from 23 to 26 August 2004.